

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

ROY ALLEN JENKINS,

Plaintiff,

v.

**CIVIL ACTION NO. 3:13-CV-66
(JUDGE GROH)**

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation (“R & R”) of United States Magistrate Judge James E. Seibert [Doc. 3], filed on June 13, 2013, to which the Plaintiff did not object.¹ Pursuant to 28 U.S.C. §636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which objection is made. However, failure to file objections to the magistrate judge’s proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties’ right to *de novo* review is waived. See **Webb v. Califano**, 468 F. Supp. 825 (E.D. Cal. 1979). The R & R specifically stated that objections were to be filed within fourteen days after being served with a copy of the R & R. Accordingly, because no objections have been filed, this R & R will be reviewed for clear error.

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Pursuant to the magistrate judge’s R & R, as well as 28 U.S.C. §636(b)(1)(C) and FED. R. Civ. P. 6(d), objections were due were due 14 + 3 days after entry of the R & R, or by July 1, 2013.

In this matter, the magistrate judge found that to the extent that requiring the Plaintiff to pay the filing fee with regard to his Social Security appeal would not “require him to choose between this civil action and the necessities of life,” the Plaintiff’s application to proceed *in forma pauperis* [Doc. 2] should be denied.

Upon review of the above, it is the opinion of this Court that the Report and Recommendation [Doc. 3] should be, and hereby is, **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* [Doc. 2] is **DENIED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: July 22, 2013.


GINA M. GROH
UNITED STATES DISTRICT JUDGE